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**SENSITIVE**

Via Federal Express

11-2001 LLC d/b/a Hyundai of North Jacksonville  
c/o Sam Kazran  
1531 Harrington Park Drive  
Jacksonville, FL 32225

JUL 16 2010

Re: MUR 6054  
11-2001 LLC d/b/a  
Hyundai of North  
Jacksonville

Dear Mr. Kazran:

Based on information ascertained in the normal course of carrying out its supervisory responsibilities, on June 23, 2009, the Federal Election Commission found reason to believe that 11-2001 LLC d/b/a Hyundai of North Jacksonville knowingly and willfully violated 2 U.S.C. §§ 441f and 441a(a) or 441b(a), and instituted an investigation in this matter.

After considering all the evidence available to the Commission, the Office of the General Counsel is prepared to recommend that the Commission find probable cause to believe that knowing and willful violations have occurred.

The Commission may or may not approve the General Counsel's recommendation. Submitted for your review is a brief stating the position of the General Counsel on the legal and factual issues of the case. Within 15 days of your receipt of this notice, you may file with the Secretary of the Commission a brief (ten copies if possible) stating your position on the issues and replying to the brief of the General Counsel. (Three copies of such brief should also be forwarded to the Office of the General Counsel, if possible.) The General Counsel's brief and any brief that you may submit will be considered by the Commission before proceeding to a vote on whether there is probable cause to believe a violation has occurred.

If you are unable to file a responsive brief within 15 days, you may submit a written request for an extension of time. All requests for extensions of time must be submitted in writing five days prior to the due date, and good cause must be demonstrated. In addition, the Office of the General Counsel ordinarily will not give extensions beyond 20 days and an appropriate tolling agreement will be required.

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You may also request an oral hearing before the Commission. See "Procedural Rules for Probable Cause Hearings," 72 Fed. Reg. 64919 (Nov. 19, 2007). Hearings are voluntary, and no adverse inference will be drawn by the Commission based on a respondent's decision not to request such a hearing. Any request for a hearing must be submitted along with your reply brief and must state with specificity why the hearing is being requested and what issues the respondent expects to address. The Commission will notify you within 30 days of your request for a hearing as to whether or not the request has been granted.

Should you have any questions, please contact Jack Gould, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

Thomasenia P. Duncan  
General Counsel



BY: Kathleen M. Guith  
Acting Associate General Counsel  
for Enforcement

Enclosure  
Brief

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1 **BEFORE THE FEDERAL ELECTION COMMISSION**

2  
3 In the Matter of )  
4 ) MUR 6054  
5 11-2001 LLC d/b/a Hyundai of North Jacksonville )  
6  
7

8 **GENERAL COUNSEL'S BRIEF**

9  
10 **I. INTRODUCTION**

11 The Federal Election Commission ("Commission") ascertained information in the  
12 ordinary course of carrying out its supervisory responsibilities that 11-2001 LLC d/b/a Hyundai  
13 of North Jacksonville ("HNJ") reimbursed contributions to Vera Buchanan for Congress  
14 ("VBFC"). At all relevant times Sam Kazran ("Kazran") was the president of HNJ.

15 On June 23, 2009, the Commission found reason to believe that HNJ knowingly and  
16 willfully violated 2 U.S.C. § 441f by using company funds to make contributions to VBFC in the  
17 names of HNJ employees and their relatives and that HNJ knowingly and willfully violated  
18 2 U.S.C. §§ 441a(a) or 441b(a) by making either excessive contributions to VBFC or corporate  
19 contributions to VBFC. See HNJ Factual and Legal Analysis in MUR 6054.

20 Evidence obtained during the investigation, including documents from HNJ and  
21 testimony from Kazran, shows that HNJ knowingly and willfully used its funds to reimburse its  
22 employees and others for contributions they made to VBFC, and thereby made illegal  
23 contributions in the name of another. See 2 U.S.C. § 441f. The evidence also shows that HNJ  
24 knowingly and willfully made contributions to VBFC that exceeded the contribution limits for a  
25 partnership. See 2 U.S.C. § 441a(a). Accordingly, the Office of General Counsel intends to  
26 recommend that the Commission find probable cause to believe that HNJ knowingly and  
27 willfully violated 2 U.S.C. §§ 441a(a) and 441f.

**II. BACKGROUND**

HNJ is a limited liability company that files with the Internal Revenue Service as a partnership and operates as a car dealership. In 2004, Kazran acquired a forty-nine percent (49%) interest in HNJ from Vernon G. Buchanan ("Buchanan"), who continued to hold a controlling fifty-one percent (51%) interest in HNJ. See Kazran Deposition ("Kazran Depo") at 5, 6. Kazran subsequently bought out Buchanan's interest in HNJ and by 2008 was the sole owner of HNJ. Kazran Depo at 68. In 2006, Buchanan was elected to Congress and he has remained in office to date. His principal campaign committee is Vern Buchanan for Congress ("VBFC").

According to Kazran, starting in 2005, Buchanan instructed him to raise funds for Buchanan's political campaigns, and directed him to reimburse the contributors using HNJ funds.<sup>1</sup>

**A. HNJ Reimbursed Contributions to VBFC in 2005**

Kazran testified that in November 2005, Buchanan told Kazran that he had to gather as much money as possible and that "I'm going to put your name on \$50,000 that you've got to raise by the end of the quarter." Kazran Depo at 11. Kazran arranged for HNJ employees to

<sup>1</sup> Kazran also testified that Buchanan instructed him to have contributors make contributions from joint checking accounts to raise the level of their contributions. Kazran Depo at 22, 28. Before Kazran made his first contribution to VBFC, Buchanan asked if Kazran and his wife were on the same checking account, and when Kazran stated that his wife wrote the checks, Buchanan said that Kazran's contribution could be approximately \$9,000. Kazran Depo at 11. Similarly, when discussing contributions that he reimbursed that were made in the names of Vincent and Patricia Sama, Kazran explained that he thought Vincent wrote a check that had both their names on it and "That was one of the things that I was told you got to make sure there's two people on the check to get the most amount." *Id.* at 28.

According to the FBC disclosure database, on July 25, 2005, Kazran (also identified on disclosure reports as Sam Khazrahan) contributed \$4,200. Kazran testified that he did not reimburse himself using company funds for his contribution to VBFC. Kazran Depo at 13. The FBC disclosure database also indicates that Sam Khazrahan and his wife, Miryam Khazrahan, each contributed \$4,600 to VBFC on September 27, 2007, for a total of \$9,200. These contributions were also not reimbursed.

1 contribute to VBFC and for their contributions to be reimbursed with HNJ funds. Kazran Depo  
2 at 21. In sum, HNJ reimbursed \$16,800 in contributions in 2005, all dated November 29, 2005.

3 Kazran testified that Buchanan told him to reimburse these employee contributions with  
4 HNJ funds: "And he specifically told me get someone you trust and run it through the  
5 corporation." Kazran Depo at 21. Kazran explained that "run it through the corporation" meant  
6 that Kazran should have employees write personal checks and then give them back this money  
7 using HNJ funds. Kazran Depo at 14, 37, 72.

8 Joshua Farid, Kazran's business partner and brother-in-law, described to us in an  
9 interview a conversation that he overheard between Kazran and Buchanan relating to reimbursed  
10 contributions by HNJ employees. Farid stated that this conversation occurred in 2005, just  
11 before Kazran asked him to contribute to the Buchanan campaign.<sup>2</sup> According to Farid, he was  
12 at the HNJ dealership one day and saw Kazran walking out of the "sales tower," apparently  
13 engaged in a conversation on his cell phone. When Kazran saw Farid, he motioned him over to  
14 where he was standing, and Farid then followed Kazran to his office. Once in the office, Kazran  
15 held the phone away from his ear so Farid could hear the conversation. Farid said that he  
16 recognized the voice to be Buchanan's. Farid said that Buchanan and Kazran were discussing  
17 campaign contributions. Buchanan stated that he needed Kazran to raise \$50,000 in  
18 contributions. Kazran told Buchanan that he had already contributed the maximum allowable  
19 contribution to the campaign.<sup>3</sup> Buchanan then told Kazran to have his employees contribute to  
20 the campaign and then reimburse them for their contributions with HNJ funds. Farid recalled

<sup>2</sup> VBFC disclosed that Farid and his wife contributed \$8,400 to VBFC on March 31, 2006.

<sup>3</sup> VBFC disclosed that Sam Khazran a.k.a. Sam Kazran contributed \$4,200 to VBFC on July 25, 2005.

1 that Buchanan used the term "run it through the company" when instructing Kazran how to  
2 reimburse his employees.

3 With the exception of Kazran's own first contribution to VBFC, all of the HNJ employee  
4 contributions he arranged in 2005 were reimbursed using company funds. Kazran Depo at 27,  
5 33, 53. Kazran contacted HNJ's office manager, Diana Smith, and HNJ's controller, Gail  
6 Lephart. He instructed them to write a personal check to VBFC and then to reimburse  
7 themselves with HNJ funds. Kazran Depo at 21. As controller, Lephart is the HNJ executive  
8 who could issue checks. Kazran Depo at 21. The first time Kazran told Lephart to use HNJ  
9 checks to reimburse contributions, he told her that they would be getting money back from  
10 Buchanan. Kazran Depo at 22. "I said, ['I don't know when, he just asked me to do it.[']"  
11 Kazran Depo at 22.

12 Lephart stated during an interview that just before she made a contribution to VBFC on  
13 November 29, 2005, Kazran walked into her office talking on his cell phone. Lephart recalled  
14 Kazran stating something close to "Vern, I'll handle it now," and Lephart assumed he was  
15 talking to Buchanan.

16 According to Lephart, immediately after ending the call, Kazran told Lephart that he  
17 needed her to make a contribution to VBFC. Lephart stated that Kazran also specified the  
18 amount she needed to contribute, which was greater than \$7,000, using a personal check. Kazran  
19 also said that she should reimburse herself for the full amount of the contribution using HNJ  
20 funds. Further, Kazran asked Lephart to find other HNJ employees to make similar contributions

1 and to reimburse those contributions, as well as her own, through the HNJ payroll account.<sup>4</sup>  
2 Kazran instructed Lephart to send the contributions by overnight delivery to VBFC. She did not  
3 recall whether Kazran told her that Buchanan instructed him to reimburse employee  
4 contributions to VBFC.

5 Lephart contributed in her own name and her husband's name. Lephart also recalled  
6 creating the reimbursement check for Diana Smith. The evidence in this matter shows that the  
7 following HNJ employees made contributions in the following amounts to VBFC in 2005 using  
8 HNJ funds, on the following date listed by VBFC on its disclosure reports:

Lephart, Ernest C.	11/29/2005	\$2,100.00
Lephart, Ernest C.	11/29/2005	\$2,100.00
Lephart, Gayle	11/29/2005	\$2,100.00
Lephart, Gayle	11/29/2005	\$2,100.00
Smith, Diana M.	11/29/2005	\$2,100.00
Smith, Diana M.	11/29/2005	\$2,100.00
Smith, Gary W.	11/29/2005	\$2,100.00
Smith, Gary W.	11/29/2005	\$2,100.00

9  
10 According to Kazran, HNJ gave employees the reimbursements on the same day as their  
11 contributions because they did not have enough money in their accounts to cover the  
12 contributions. Kazran Depo at 27-28.

13 **B. HNJ Reimbursed Contributions to VBFC in 2006**

14 HNJ reimbursed another \$16,800 in contributions made to VBFC with HNJ funds in June  
15 2006, reimbursements that Kazran testified he made at the direction of Buchanan. Kazran also  
16 testified that HNJ reimbursed contributions made by his business partner Vincent Sams and his

<sup>4</sup> Lephart stated that she created entries in the HNJ payroll account listing the reimbursements as salary payments, which included income tax withholding.

wife. See Kazran Depo at 27-28. VBFC disclosure reports show that contributions were made in the names of Sams and his wife totaling \$7,500 in January 2006.

Farid stated during his interview that Kazran advised him that Buchanan was "pressing him" to raise funds for Buchanan's congressional campaign and that Farid and his wife responded by contributing a total of \$8,400 on March 31, 2006. According to Farid, a short time afterwards, HNJ employee Gail Lephart gave Farid an HNJ check reimbursing Farid and his wife for the total amount of their contributions.<sup>5</sup> HNJ also reimbursed Kazran's brother, Eric Khazravan and his wife.

In sum, the evidence shows that HNJ reimbursed \$32,700 in contributions in 2006, as set forth in the chart below.

Sams, Vincent G.	1/02/2006	\$2,100.00
Sams, Vincent G.	1/02/2006	\$2,100.00
Sams, Patricia G.	1/02/2006	\$2,100.00
Sams, Patricia G.	1/02/2006	\$1,200.00
Farid, Atefeh K.	3/31/2006	\$2,100.00
Farid, Atefeh K.	3/31/2006	\$2,100.00
Farid, Joshua	3/31/2006	\$2,100.00
Farid, Joshua	3/31/2006	\$2,100.00
Cutais, Doreen A.	6/28/2006	\$2,100.00
Cutais, Doreen A.	6/28/2006	\$2,100.00
Cutais, Joseph P.	6/28/2006	\$2,100.00
Cutais, Joseph P.	6/28/2006	\$2,100.00
Khazravan, Eric	6/28/2006	\$2,100.00
Khazravan, Eric	6/28/2006	\$2,100.00
Khazravan, Heidi	6/28/2006	\$2,100.00
Khazravan, Heidi	6/28/2006	\$2,100.00

<sup>5</sup> Lephart stated that she did not recall how the 2006 contributions were reimbursed by HNJ, including those of the Farids.



1 Kazran testified that there was a connection between the \$16,800 in contributions made by  
2 HNJ employees and their relatives in June 2006 and a transaction he was negotiating with  
3 Buchanan at that time. Kazran Depo at 34-36. Dodge had awarded a new dealership to Kazran at  
4 a location called Gwinnett Place, but under his partnership agreement, Buchanan had the right of  
5 first refusal. Kazran Depo at 53. According to Kazran, Buchanan used that right to force Kazran  
6 to give Buchanan 51% ownership in Gwinnett Dodge. Kazran Depo at 53. When Kazran later  
7 offered to purchase Buchanan's share of Gwinnett Dodge, Buchanan told Kazran that he would  
8 have to pay \$1,000,000 to Buchanan. Kazran wanted to pay a lower amount, and he wanted to  
9 pay in installments because he did not have the money. Kazran Depo at 13, 35. In exchange for  
10 agreeing to allow Kazran to purchase Buchanan's share in installments, Buchanan wanted Kazran  
11 to commit money to VBFC. Kazran Depo at 53.<sup>6</sup> Buchanan told Kazran, "by Friday [June 30,  
12 2006] I want you to raise [\$25,000 or \$50,000]." Kazran Depo at 13.

13 That's when he told me, he said - in fact, that Tuesday before the end of the month in  
14 June, I bet you its one of the close of time, because he told, he said, Friday is the end and  
15 I need you to raise - - I don't remember if it was \$25,000 or \$50,000. And he said, if you  
16 do that, then I'm going to take care of that payment. So instead of paying him all at once,  
17 he agreed to let me make payments on his buyout portion, but I had to raise that money.<sup>7</sup>  
18  
19 Kazran Depo at 35; see also *id.* at 13.

20 According to Kazran, when he explained that he did not have the money Buchanan  
21 wanted, Buchanan replied, "Well, don't you have somebody at the dealership you can trust? Just

<sup>6</sup> According to Buchanan's disclosure reports filed with the House of Representatives, Buchanan purchased his share of Gwinnett, L.L.C., on January 12, 2006. Vern Buchanan House of Representatives Financial Disclosure Reports dated May 14, 2007. Kazran and Buchanan concluded their agreement for Kazran to purchase Buchanan's share on June 26, 2006. Kazran Depo at 34-35; Vern Buchanan House of Representatives Financial Disclosure Reports dated May 14, 2007.

<sup>7</sup> The Tuesday before the end of the month of June in 2006 was June 27, 2006, and the close of the reporting period that was included in the July 2006 Quarterly Reports to the Commission was Friday, June 30, 2006.

1 run it through the corporation." Kazran Depo at 36; *see also id.* at 13. The evidence in this  
2 matter shows that two HNJ employees and their spouses each contributed \$4,200 to VBFC on  
3 June 28, 2006, for a total of \$16,800, contributions that were reimbursed by HNJ.

4 In an interview, Joshua Farid largely corroborated Kazran's account of this discussion  
5 with Buchanan about Gwinnett Dodge. Farid stated that he witnessed a conversation between  
6 Kazran and Buchanan regarding political contributions to Buchanan's congressional campaign  
7 and ongoing negotiations between Buchanan and Kazran regarding \$300,000 that Kazran needed  
8 to pay Buchanan for a Dodge dealership. Farid stated that in exchange for Kazran being  
9 permitted to pay by installment rather than one lump sum payment, Buchanan asked Kazran to  
10 provide VBFC with either \$25,000 or \$50,000. Farid stated that based on his conversation with  
11 Kazran, he understood that Buchanan wanted Kazran to again solicit employees to contribute to  
12 his campaign and reimburse them for their contributions through the company. Farid told  
13 Kazran that he thought that what Buchanan asked him to do was improper.

14 **C. HNJ Reimbursed Contributions to VBFC in 2007**

15 HNJ again reimbursed contributions in 2007, totaling \$18,400. According to Kazran,  
16 Buchanan always told Kazran that he was counting on him as the only person who could "raise  
17 this kind of money." Kazran Depo at 51.

18 According to Gail Lephart, Sam Kazran approached her again in 2007 and explained that  
19 employees needed to contribute to VBFC and be reimbursed through the company. Lephart told  
20 Kazran that she was concerned about company funds being used to reimburse contributions, but  
21 he only responded with a shrug. Kazran corroborated Lephart's statement. Kazran Depo at 22.

1 Lephart asked HNJ employee Stephanie Champ to contribute more than \$8,400,  
2 assuming that Champ would contribute jointly with another person as Lephart had done with her  
3 husband. According to Lephart, someone at VBFC later advised her that Champ could not  
4 contribute more than \$2,300 (per election). Consequently, Lephart approached HNJ employee  
5 Joe Cutaia, who agreed to contribute to VBFC and be reimbursed. Champ gave the  
6 reimbursement she received from Lephart to Cutaia. The following HNJ employees and family  
7 members made contributions with HNJ funds on December 31, 2007:

Cutaia, Doreen A.	12/31/2007	\$2,300.00
Cutaia, Doreen A.	12/31/2007	\$2,300.00
Champ, Stephanie K.	12/31/2007	\$2,300.00
Champ, Stephanie K.	12/31/2007	\$2,300.00
Lephart, Ernest C.	12/31/2007	\$2,300.00
Lephart, Ernest C.	12/31/2007	\$2,300.00
Lephart, Gayle	12/31/2007	\$2,300.00
Lephart, Gayle	12/31/2007	\$2,300.00

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26 Lephart stated that the HNJ funds used for the reimbursement of these contributions came  
27 from the dealership's operating account.

28 **D. Total HNJ Reimbursements**

29 Kazran testified that he believed that the total value of all reimbursements using HNJ  
30 funds was very close to or over \$100,000. Kazran Depo at 48-49. The investigation in this  
31 matter has located a total of \$67,900 in HNJ-reimbursed contributions to VBFC: \$16,800 in

1 2005, \$32,700 in 2006, and \$18,400 in 2007. This \$67,900 figure is based on Kazran's  
2 testimony about the reimbursed contributions, which corresponds closely with Kazran's estimate  
3 in an email that he sent to John Tosch, the vice president and secretary of all of Buchanan's  
4 automotive companies, on October 5, 2008, in which Kazran estimated that the amount of  
5 reimbursed contributions, minus unspecified credit card contributions, was \$70,000. See email  
6 from Sam Kazran to John Tosch, Buchanan's corporate CEO, dated October 5, 2008 in Kazran  
7 Documents at FEC000001.

8 As for Buchanan, he testified that he could not remember "one way or the other" whether  
9 he asked Kazran to fundraise. Buchanan Deposition at 89. On the other hand, Buchanan also  
10 testified that, "I am sure I made it clear to him that you can't reimburse contributions." *Id.* at 93.  
11 When asked when he would have made it clear to Kazran, Buchanan testified that he did not  
12 know but he was "sure any time I would ask him, because he would ask me what the rules are, so  
13 I wanted to make sure he understood that." *Id.* at 93-94. Buchanan specifically denied advising  
14 Kazran to find someone he trusted at HNJ and reimbursing contributions to VBFC. *Id.* at 98-99.

## 15 **III. LEGAL ANALYSIS**

### 16 **A. Contributions in the Name of Another**

17 The Federal Election Campaign Act of 1971, as amended ("Act"), defines "contribution"  
18 as anything of value made by any person for the purpose of influencing any election for federal  
19 office. 2 U.S.C. § 431(8)(A)(i). Under the Act, no person shall make a contribution in the name  
20 of another person or knowingly permit his or her name to be used to effect such a contribution.  
21 2 U.S.C. § 441f. Contributions in the name of another include giving money, all or part of which  
22 is provided to the contributor by another person (the true contributor) without disclosing the  
23  
24

1 source of money to the recipient candidate or committee at the time the contribution is made.

2 11 C.F.R. § 110.4(b)(2)(i).

3 Kazran admitted that he instructed his employees to make contributions to VBFC and  
4 that he told HNJ's comptroller to reimburse those employees using HNJ funds. Mr. Kazran also  
5 admitted that he used HNJ funds to reimburse his brother and business partners and their spouses  
6 for their contributions to VBFC. By using HNJ funds to reimburse contributions to VBFC,  
7 Kazran made HNJ the actual contributor to VBFC. The employees and other individuals who  
8 were reimbursed with HNJ funds were merely the conduits for HNJ's contributions, whose  
9 names were used to disguise the true source of the contributions. Accordingly, the evidence  
10 shows that HNJ made contributions in the names of others in violation of 2 U.S.C. § 441f.

11 **B. Contributions Exceeding the Contribution Limit**

12  
13 The contributions of a partnership such as HNJ are attributed to both the partners and the  
14 partnership itself, that is, the partnership itself is subject to the contribution limit in effect at the  
15 time for individuals. See 11 C.F.R. § 110.1(e). Accordingly, a partnership reimbursing  
16 contributions totaling more than \$4,200 (in the 2006 cycle) or \$4,600 (in the 2008 cycle) would  
17 also constitute the making of an excessive contribution.

18 During the 2006 election cycle, HNJ contributed \$49,500 to VBFC, which exceeded the  
19 \$4,200 limit it could have permissibly contributed with unreimbursed funds by \$45,300. During  
20 the 2008 election cycle, HNJ contributed \$18,400 to VBFC, which exceeded the \$4,600 limit it  
21 could have permissibly contributed with unreimbursed funds by \$13,800.

22 Accordingly, the evidence shows that HNJ made contributions to VBFC which exceeded  
23 the applicable contribution limits by \$59,100 in violation of 2 U.S.C. § 441a(a).

**C. Knowing and Willful Violations**

The investigation further revealed that HNJ's violations were knowing and willful. The phrase "knowing and willful" indicates that "acts were committed with a knowledge of all the relevant facts and a recognition that the action is prohibited by law...." H.R. Rpt. 94-917 at 3-4 (Mar. 17, 1976) (reprinted in Legislative History of Federal Election Campaign Act Amendments of 1976 at 803-04 (Aug. 1977)); see also *National Right to Work Comm. v. FEC*, 716 F.2d 1401, 1403 (D.C. Cir. 1983) (citing *AFL-CIO v. FEC*, 628 F.2d 97, 98, 101 (D.C. Cir. 1980) for the proposition that "knowing and willful" means "'defiance' or 'knowing, conscious, and deliberate flaunting' [sic] of the Act"); *United States v. Hopkins*, 916 F.2d 207, 214-15 (5th Cir. 1990). The *Hopkins* court also held that taking steps to disguise the source of funds used in illegal activities might reasonably be explained as a "motivation to evade lawful obligations." *Hopkins*, 916 F.2d at 213-14 (citing *Ingram v. United States*, 360 U.S. 672, 679 (1959)) (internal quotations omitted).

Kazran testified that he did not know that what Buchanan instructed him to do was illegal and that if Buchanan had told him it was illegal he would not have gotten involved. Kazran Depo at 87-88. However, the undisputed circumstances indicate that HNJ's violations were in fact knowing and willful. HNJ, through Kazran, president of HNJ and a business partner of Buchanan, directed a subordinate, the HNJ controller, to write the reimbursement checks which in many cases were given to the employees on the same day they wrote contribution checks to VBFC. Thus, HNJ was aware that it was the actual contributor, not HNJ employees and Kazran partners and their spouses who wrote checks – in amounts directed by Kazran – to VBFC. This

1 was no isolated incident; HNJ reimbursed contributions over the course of three years, 2005-  
2 2007, for a total amount of \$67,900 in contributions made in the name of another.

3 HNJ was also aware, through Kazran, of Buchanan's desire to show that other people, not  
4 just Buchanan himself, supported Buchanan's campaign with contributions. See Kazran Depo at  
5 44. Even if Buchanan directed Kazran to reimburse contributions to his campaign or had  
6 leverage over Kazran as his majority partner or the holder of Kazran debt, Kazran and HNJ did  
7 not have license to break the law.

8 HNJ, through Kazran, knew that VBFC would report the contributions in the names of  
9 HNJ employees and family members, not HNJ. See *id.* at 32-33. Therefore, HNJ took steps to  
10 disguise the source of funds used in illegal activities that might reasonably be explained as a  
11 "motivation to evade lawful obligations." See *Hopkins*, 916 F.2d at 213-14.

12 The evidence in this matter further shows that Kazran's business partner and controller  
13 raised questions about the propriety of the reimbursements. Josh Farid told Kazran that what  
14 Buchanan asked Kazran to do was improper. Gail Lephart told Kazran that she was concerned  
15 about company funds being used to reimburse contributions, but Kazran only responded with a  
16 shrug. Continuing an activity that Kazran's own associates opined was improper, with his likely  
17 awareness that the activity involved deceptive reporting, is further evidence that HNJ's conduct  
18 was knowing and willful.

19 In addition, HNJ appears to have deliberately disguised its excessive contributions. The  
20 evidence shows that HNJ's controller was advised by VBFC that a contributor could not give  
21 more than \$2,300 (per election) during the 2008 election cycle. HNJ contributed amounts far in  
22 excess of this limit through straw donors.

1 In sum, the evidence in this matter shows that HNJ was aware that it was violating the  
2 law by making contributions in the names of others and by making excessive contributions. This  
3 Office is therefore prepared to recommend that the Commission find probable cause to believe  
4 that 11-2001 LLC d/b/a Hyundai of North Jacksonville knowingly and willfully violated  
5 2 U.S.C. §§ 441a(a) and 441f.

6 **IV. GENERAL COUNSEL'S RECOMMENDATION**

7  
8 Find probable cause to believe that 11-2001 LLC d/b/a Hyundai of North Jacksonville  
9 knowingly and willfully violated 2 U.S.C. §§ 441a(a) and 441f.  
10  
11  
12

13  
14 7-16-10  
15 Date

Thomasenia P. Duncan by KG  
Thomasenia P. Duncan  
General Counsel

Stephen A. Gura  
Stephen A. Gura  
Deputy Associate General Counsel  
for Enforcement

Mark Allen  
Mark Allen  
Assistant General Counsel

Jack Gould by MHA  
Jack Gould  
Attorney